

## JOINT DECLARATION FOR PATENT APPLICATION

As the below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names;

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled ANTIMICROBIAL AGENTS, the specification of which

- ☐ is attached hereto  
☒ was filed under the Patent Cooperation Treaty (PCT) and accorded International Application No. **PCT/GB2002/005409** filed **2 December 2002**, and amended on \_\_\_\_\_ (if any); and  
☒ was filed on **April 7, 2005** as Application Serial Number **10/530,406** and was amended on \_\_\_\_\_ (if applicable).

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We hereby acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56(a).

### Prior Foreign Application(s)

We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Country	Application No.	Date of Filing (day month year)	Date of Issue (day month year)	Priority Claimed Under 35 U.S.C. §119
Great Britain	0223532.3	9 October 2002		Yes

### Prior United States Provisional Application(s)

We hereby claim priority benefits under Title 35, United States Code, §119(e)(1) of any U.S. provisional application listed below:

U.S. Provisional Application No.	Date of Filing (day month year)	Priority Claimed Under 35 U.S.C. §119(e)(1)

Banner & Witcoff Ref. No.  
Client Ref. No.

010180.00029  
231/ATW

### Prior United States Application(s)

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Date of Filing (Day, Month, Year)	Status: Patented, Pending, Abandoned

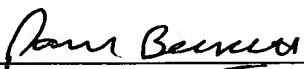
### Power of Attorney

And we hereby appoint, both jointly and severally, as my attorneys, all Banner & Witcoff, Ltd. attorneys indicated therein under PTO Customer Number #22907, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office.

All correspondence and telephone communications should be addressed to:

Banner & Witcoff, Ltd.  
Customer Number: 22907 (WDC)

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature  Date 14 JULY 2005  
Full Name of First Inventor BECKETT Raymond Paul  
Family Name First Given Name Second Given Name  
Residence Tarrytown, New York, USA Citizenship British  
Post Office Address Emisphere Technologies Inc. 765 Old Saw Mill Road, Tarrytown, NY 10591 USA

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of Second Inventor WIJKMANS Jac  
Family Name First Given Name Second Given Name  
Residence Oss, The Netherlands Citizenship British  
Post Office Address NV Organon, Molenstraat 110, NL-5340 BH Oss, The Netherlands

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of Third Inventor KRULLE Thomas  
Family Name First Given Name Second Given Name  
Residence Oxford, Great Britain Citizenship Germany  
Post Office Address OSI Pharmaceuticals, Watlington Road, Cowley, Oxford OX4 6LT Great Britain

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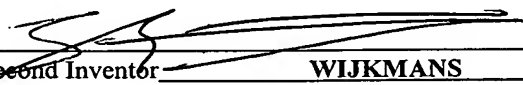
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Full Name of First Inventor BECKETT Raymond Paul  
Family Name First Given Name Second Given Name  
Residence Tarrytown, New York, USA Citizenship British  
Post Office Address Emisphere Technologies Inc. 765 Old Saw Mill Road, Tarrytown, NY 10591 USA

Signature  Date 10/07/05  
Full Name of Second Inventor WIJKMANS Jac  
Family Name First Given Name Second Given Name  
Residence Oss, The Netherlands Citizenship British Dutch  
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Post Office Address NV Organon, Molenstraat 110, NL-5340 BH Oss, The Netherlands

Signature Thomas Krulle Date 18/7/2005  
Full Name of Third Inventor KRULLE Thomas  
Family Name First Given Name Second Given Name  
Residence Oxford, Great Britain Citizenship Germany  
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